

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

In re:

Edward O'Neal Yoder,

Debtor.

Case No.11-73305-SCS
Chapter 11

ORDER DISMISSING CASE

The Motion of W. Clarkson Mc Dow, Jr., United States Trustee for Region Four, to Convert or Dismiss the Case was heard on January 19, 2012. Counsel for the U.S. Trustee appeared, as did Kevin Funk, Esq. on behalf of the debtor. Carl Eason appeared on behalf of The Bank of Hampton Roads, suggesting that conversion would be appropriate.

The Court finds that cause exists to convert or dismiss this case. The Court further finds that dismissal of the case is in the best interests of the creditors and that the debtor consents to the dismissal of this case. Accordingly, based on these findings and for other good cause shown, it is ORDERED: the motion to dismiss the case is granted. The motion to convert the case is denied. IT IS FURTHER ORDERED that the debtor file all outstanding monthly operating reports within ten days of the hearing and pay the quarterly fees owing to the U.S. Trustee, pursuant to 28 U.S.C. § 1930, within fourteen (14) days thereafter.

Date: _____

United States Bankruptcy Judge

Debera F. Conlon, Esquire, AUST, VSB No. 20837
Cecelia Ann Weschler, Esquire VSB No. 28245
Kenneth N. Whitehurst, III, Esquire, VSB No. 48919
Office of the United States Trustee
Room 625, Federal Building
Norfolk, Virginia 23510
(757) 441-6012

Order entered on docket

I ask for this:

/s/ Cecelia Ann Weschler

Cecelia Ann Weschler
Counsel for W. Clarkson Mc Dow, Jr.
United States Trustee for Region Four

Seen and agreed:
Kevin J. Funk (with permission received via email)

Kevin J. Funk
proposed counsel for the debtor

Seen and objected to:

Carl A. Eason (with permission received via email)

Carl A. Eason
Counsel for the Bank of Hampton Roads

Local Rule 9022-1(C) Certification

The foregoing Order was endorsed and/or served upon all necessary parties pursuant to Local Rule 9022-1(C).

/s/ Cecelia Ann Weschler

PARTIES TO RECEIVE COPIES:

Edward O'Neal Yoder
1117 Rose Lane
Virginia Beach, VA 23451

Kevin J. Funk
DuretteCrump PLC
1111 East Main Street, 16th Floor
Richmond, VA 23219

Carl A. Eason
Wolcott Rivers Gates
Convergence Center IV
301 Bendix Road, Suite 500
Virginia Beach, VA 23452-1385

U.S. Trustee (e-mail only)